

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

NISHIMURA

Atty. Ref.: 723-1495; Confirmation No. 7340

Appl. No. 10/820,057

TC/A.U. 2628

Filed: April 8, 2004

Examiner: J.M. Crawford

For: STORAGE MEDIUM AND GAME DEVICE STORING IMAGE GENERATING
PROGRAM

* * * * *

October 17, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE
TO RECEIVE OFFICE ACTION**

Applicant hereby petitions the USPTO to withdraw the Holding of Abandonment based on the failure of applicant to receive the Office Action dated March 31, 2008. See MPEP §711.03(c)I(A).

The Notice of Abandonment dated October 14, 2008 indicates that the instant application was abandoned because a Response was not filed in response to the Office Action *allegedly* mailed March 31, 2008. Upon receiving the Notice of Abandonment dated October 14, 2008, a review of the USPTO's PAIR system indicated that a Non-Final Rejection was allegedly mailed March 31, 2008. However, the applicant (including the undersigned) never received the Office Action dated March 31, 2008.

The applicant (including the undersigned) has searched the file jacket and docket records relating to the instant application, and both indicate that the Office Action dated March 31, 2008 was not received by applicant. A copy of the relevant docket record relating to this case is attached hereto, evidencing that the Office Action dated March 31, 2008 was not received by applicant. The attached docket sheet, last updated October 15, 2008, does not indicate any Office Action having been received. Thus, the attached docket sheets clearly indicate that the Office Action dated March 31, 2008 was not received by applicant.

In view of the above, it is respectfully requested that the Notice of Abandonment dated October 14, 2008 be withdrawn, and that a new Office Action be mailed to applicant.

It is believed that no fee is necessary. However, the Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers. Please advise if there should be any questions.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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IPMaster (v1.7.3) - [Patent 1 of 1]

File Edit Records Utilities Tools Help

Docket Number: 0723-1495
Country: United States
Case Type: Utility Appln
Relation Type: Original Filing
Filing Type: Non-PCT

Attorney: Mark E. Nussbaum
Attorney #2: Leo Boutsikaris
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Client Name: Ogawara Patent Office
Assignee/Applicant: NINTENDO CO. LTD.
Client Reference No: FP-1474

STORAGE MEDIUM AND GAME DEVICE STORAGE IMAGE GENERATING

Inventors Filing Data	PCT Publication No. CustomerNo/Assoc./Nintendo	External Files Priority Info/Corresp. Case	Related Cases Actions/Due Dates	Title Misc Note
Action	Action Due Date	Filed Date	Mail Date/Completed Date	Action Notes
IDS Filed				
Missing parts filed				
1st Action Mail Date				
No Foreign Filing				
Filing Receipt (OFF)				
IDS Filed			7/23/2007	
Application Date (F)	7/8/2004		4/8/2004	
Missing Parts Received?	7/8/2004		4/8/2004	
IDS Filed?	7/8/2004		4/8/2004	
Filing Receipt Recv'd?	10/6/2004		6/23/2004	
Office Action Rcv'd?	10/23/2008			
*			Date Flag Logic not implemented	

Created: 3/17/2004 Updated: 10/15/2008 11:28:03 By: YP

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ATTY	CLT/MTR	SERIAL NO.	DESCRIPTION	DONE?
FPP	3392-148	77/394712	TM 6 MO Response	8-20-08
ASB	11-1310	2147243	late Renewal	9-29-08
DJB	1721-163	77/435634	foreign filing	DD11/12
DJB	1721-162	77/435594	foreign filing	DD11/12
RCN	451-113	70/604,420	TM Commo. Resp.	9-17-08
JR	4593-40	11/282,696	6 MO RESP	6-30-08
SCS	124-1102	10/520,849	2 mo. Quagile Resp (F)	5-30-08
NJS	4105-42	11/028,862	1 MO. RESP (5x)	4/22/08
JHN	3584-21	10/214,370	1 MO. RESP (5x)	4/3/08
MNL	2018-1817	11/907,763	Commo. Resp	6-30-08
BHD	1226-109	10/525,642	Commo Final Resp	DROP
BHD	1226-109	10/525,642	Commo Appeal	DROP
NJS	160-495	11/389,534	Commo Final Resp	NWGA
NJS	160-495	11/389,534	Commo Appeal	NWGA
LSN	4002-130	11/024,939	Commo. Resp	DROP
RWA	205-210	11/806,677	Commo. Resp	7-20-08
NEA	723-1508	10/931,202	Commo. Resp	6/23/08
GRT	3087-42	10/415,820	Commo. Resp.	4-10-08
JHN	1585-358	11/610,197	Commo. Resp.	6-21-08
DJB	1721-160	77/435,454	TM FF DUE	DD11/12
DJB	1721-161	77/435,537	TM FF DUE	DD11/12
DJB	1721-164	77/435,388	TM FF DUE	DD11/12
DJB	1721-165	77/435,353	TM FF DUE	DD11/12
DMB	10-1040	77/436,250	TM FF DUE	9-28-08
BJS	35-293	11/211,889	1 MO Response (5x)	ABD
SCS	550-462	10/647,106	6 MO Response	8-22-08
LCM	3816-72	11/250,514	6 MO Response	Suppl. C/A 10-21-08
JRL	4932-3	11/213,852	6 MO Response	Novelty
JSP	4593-32	11/300,339	6 MO Response	6-30-08
BJS	2365-28	09/782,520	6 MO Response	9-30-08
ARC	227-158	10/513,742	6 MO Response	4-25-08
JRL	4932-4	11/334,481	6 MO Response	withdrawn as attorney
MNL	2018-1094	11/131,291	6 MO Response	6-30-08
LSN	36-1935	10/549,582	6 MO Response	6/26/08
BHD	1226-110	10/538,845	6 MO FR Response	DROP
BHD	1226-110	10/538,845	6 MO NOT R Appeal	DROP
JRL	723-1710	11/175,044	6 MO FR Response	9-9-08
JRL	723-1710	11/175,044	6 MO NOT R Appeal	9-9-08
BHD	1812-33	29/472,849	2 MO Response (5x)	4-21-08
LYM	2635-378	11/509,846	1 MO Response (5x)	4-21-08
MNL	2635-413	11/652,723	1 MO Response (5x)	4-28-08
FPP	3436-8	2147,222	late Renewal	DROP on final

[illegible]